

ORIGINAL

Approved: _____

*Alexandra Rothman*ALEXANDRA N. ROTHMAN
Assistant United States AttorneyBefore: HONORABLE HENRY B. PITMAN
United States Magistrate Judge
Southern District of New York

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UNITED STATES OF AMERICA

- v. -

JUAN RAMIREZ, and
ANA BRITO,Defendants.
----- XCOMPLAINT: Violation of
: 21 U.S.C. § 846: COUNTY OF OFFENSE:
: BRONX

SOUTHERN DISTRICT OF NEW YORK, ss.:

CRAIG SMITH, being duly sworn, deposes and says that he is a Special Agent with the Drug Enforcement Administration ("DEA"), and charges as follows:

COUNT ONE

1. From in or about January 2019, up to and including in or about February 2019, in the Southern District of New York and elsewhere, JUAN RAMIREZ and ANA BRITO, the defendants, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that JUAN RAMIREZ and ANA BRITO, the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

3. The controlled substance that JUAN RAMIREZ and ANA BRITO, the defendants, conspired to distribute and possess with intent to distribute was 400 grams and more of mixtures and substances containing a detectable amount of fentanyl, in violation of Title 21, United States Code, Section 841(b)(1)(A).

(Title 21, United States Code, Section 846.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

4. I am a Special Agent with the DEA and I have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation of this matter, my conversations with law enforcement agents, witnesses, and others, as well as my examination of report and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated. Where figures, calculations, and dates are set forth herein, they are approximate, unless stated otherwise.

5. During the course of this investigation, other DEA agents and I have worked with two confidential sources ("CS-1" and "CS-2"). CS-1 and CS-2 are paid informants with the DEA. CS-1 has prior federal convictions for narcotics offenses. CS-2 has no prior convictions for narcotics offenses. Information provided by CS-1 and CS-2 as part of this investigation and other investigations has proven reliable in the past and has been corroborated by other independent evidence, including, among other things, surveillance by law enforcement.

6. Based on my involvement and observations in this investigation, the physical surveillance conducted by me and other law enforcement agents, and my conversations with CS-1, CS-2, and law enforcement agents who were involved in this investigation, I have learned the following, in substance and in part:

a. On or about January 28, 2019, CS-1 met with JUAN RAMIREZ and ANA BRITO, the defendants, at a particular location in Manhattan (the "First Meeting"). During the First Meeting, CS-1, with BRITO present, told RAMIREZ, in substance

and in part, that CS-1 had a friend looking to purchase kilogram quantities of fentanyl.

b. On or about February 2, 2019, CS-1 and CS-2 met with RAMIREZ at a pre-determined location in Manhattan (the "Second Meeting"). During the Second Meeting, CS-1 introduced CS-2 as the friend looking to purchase fentanyl, and RAMIREZ agreed to sell three kilograms of fentanyl to CS-2 for \$53,000 per kilogram. The parties further agreed that RAMIREZ would first provide CS-2 with a sample of fentanyl.

c. On or about February 4, 2019, CS-1 met with RAMIREZ and BRITO at a pre-determined location in the Bronx (the "Third Meeting"). RAMIREZ and BRITO arrived at the location in a vehicle (the "Vehicle"). RAMIREZ was driving the Vehicle, and BRITO was seated in the front passenger seat. CS-2 entered the back seat of the Vehicle, and RAMIREZ joined CS-2 in the back seat.

d. During the Third Meeting, RAMIREZ pulled out a pink bag from the back seat of the Vehicle and stated, in substance and in part, that RAMIREZ could do the deal right now, referring to what I believe to be the fentanyl transaction. BRITO participated in the conversation between CS-2 and RAMIREZ.

e. CS-2 looked in the pink bag, which contained two hard, brick-shaped objects wrapped in silver foil. CS-2 stated, in substance and in part, that CS-2 needed to get the money for the transaction, at which point CS-2 left the Vehicle and informed law enforcement agents, who were conducting surveillance nearby, that two kilograms of fentanyl were located inside of the Vehicle.

f. Law enforcement agents and myself briefly followed the Vehicle before stopping the Vehicle and placing the occupants - RAMIREZ and BRITO - under arrest.

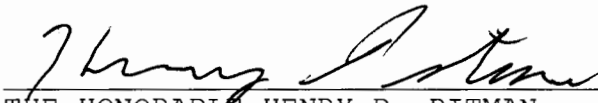
g. Law enforcement agents and myself looked into the trunk of the Vehicle and saw a pink bag on top of other items. A search of the pink bag revealed two hard, brick-shaped objects, consisting of a bluish powder. Based on my training and experience, the wrapping of the bricks and the appearance of the power, as well as my involvement in this investigation, I believe that the brick-shaped objects contain fentanyl.

WHEREFORE, the deponent respectfully requests that JUAN RAMIREZ and ANA BRITO, the defendants, be imprisoned or bailed as the case may be.



CRAIG SMITH
Special Agent
Drug Enforcement Administration

Sworn to before me this
5th day of February, 2019.



THE HONORABLE HENRY B. PITMAN
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK